

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR ZONING AND SPECIAL USE PERMIT

SCZ-0559 - ZONE CHANGE FROM "R" RURAL RESIDENTIAL DISTRICT TO "F" HEAVY INDUSTRIAL DISTRICT; AND

DR 86-4 - SPECIAL USE PERMIT FOR A DEMOLITION CONSTRUCTION LANDFILL SITE, LOCATED SOUTH OF 91ST STREET SOUTH IN AN AREA BETWEEN HIGHWAY K-15 AND THE ARKANSAS RIVER.

The Planning Commission recommends that the application for zone change and special use permit be approved subject to conditions.

(see minutes for full motion)

Miles moved, Wilson seconded and it carried with a vote of 5 in favor (Miles, Wilson, Bayouth, Moore and Peters) and 2 opposed (Banzer and Gardner. Crockett and Goebel were absent.

NOTE: 39.3% protest petitions have been filed within 1000 feet requiring a unanimous vote of the County Commission to approve these requests.

- ACTION:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change request and the special use permit subject to the recommended conditions; adopt resolutions authorizing the zone change and special use permit and instruct the Planning Department to withhold publication until the appropriate conditions have been complied with; or
 2. Adopt findings and deny the applications.

DATA AND MINUTES

MAPC Hearing Date: 4-03-86 - BCoC Hearing Date:

COMMISSION DISTRICT #2

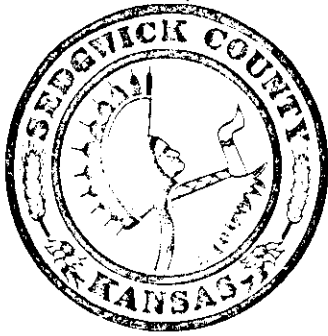
AREA DATA:

Size: 14± acres

	<u>Land Use</u>	<u>Zoning</u>
Application Area	Undeveloped	"R"
North	Derby Sewer Plant	"R" & "M-1"(Derby industrial zoning)
South	Spring Creek & Agricultural	"R"
East	Undeveloped & Single-family	"R" & "M-1"
West	Former landfill	"R"

Applicant: Larry Lusk, 5001 E. 71st Street South, Derby, Kansas 67037.

Protestors: Norma Moore, 9339 South K-15.



SEDGWICK COUNTY, KANSAS

LEGAL DEPARTMENT

Richard A. Euson
Assistant County Counselor

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 268-7111

February 2, 1987

Mr. Marvin Krout
Director of Planning
City Hall - 10th Floor
455 N. Main
Wichita, KS 67202

Re: Lusk vs. Board of Sedgwick County Commissioners

Dear Mr. Krout:

Attached for your reference is a copy of a journal entry in the above-named action. The case arose out of the Board of County Commissioners' failure to make findings and conclusions relating to their denial of rezoning. An agreement was apparently reached that the court would be permitted to change the zoning but that the Board of County Commissioners would retain jurisdiction to hear the conditional use permit. It does not appear necessary to return the matter to the MAPC. Would you please process the necessary paperwork to bring the conditional use permit to a hearing before the County Commission.

Very truly yours,

Richard A. Euson
Assistant County Counselor

RAE/mp

Enclosure

cc: Robert R. Arnold

RECEIVED

FEB 03 1987

METROPOLITAN PLANNING
ROUTE

Jack's plz brief me on
this case. Don't understand
why court took different action
on zoning than special permit.

AK
12/3

R E S O L U T I O N N O. _____

A RESOLUTION CHANGING THE ZONING CLASSIFICATIONS FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, the zoning district of the land legally described is hereby changed as follows:

CASE NO. SCZ-0559
Zone Change from the "R" Rural Residential District
to the "F" Heavy Industrial District

Commencing at a point 418 feet west and 1330 feet south of the NE corner of the SW $\frac{1}{4}$ of Section 13, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence east parallel to the north line of said SW $\frac{1}{4}$, 323 feet; thence southwesterly 1010 feet, more or less, to the centerline of Spring Creek, said point being 190 feet west of the east line of said SW $\frac{1}{4}$; thence southwesterly along the centerline of said Spring Creek to a point 2560 feet, more or less, south and 640 feet west of the northeast corner of said SW $\frac{1}{4}$; thence northwesterly, 550 feet to a point 2010 feet south and 642 feet west of the northeast corner of said SW $\frac{1}{4}$; thence northwesterly 315 feet to a point 850 feet west of the east line of said SW $\frac{1}{4}$; thence northeasterly to a point 1330 feet south and 498 feet west of the northeast corner of said SW $\frac{1}{4}$; thence east parallel to the north line of said SW $\frac{1}{4}$, 80 feet to the point of beginning; AND

Commencing at a point 418 feet west and 1330 feet south of the northeast corner of said SW $\frac{1}{4}$; thence S90°00'W parallel to the north line of said SW $\frac{1}{4}$, 40 feet; thence N0°00'E, 464.46 feet; thence N12°30'E, 384.66 feet to the south line of Lot 1, Block 1, Lusk Industrial Addition, an Addition to the City of Derby, Sedgwick County, Kansas; thence N90°00'E along the south line of said Lot 1, 40.97 feet to the southeast corner of said Lot 1; thence S12°30'W, 389.23 feet; thence S0°00'E, 460 feet to the point of beginning. Generally located south of 91st Street South in an area between K-15 Highway and the Arkansas River.

SECTION II. That upon the taking effect of this Resolution, the above zoning change shall be entered and shown on the particular sectional zoning map contained in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication once in the official County paper.